

1
2
3
4
5

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

6 MARIT HAMMICK,)
7 Plaintiff,) Case No.
8 vs.)
9 MATTHEW SCOTT JACOBS and) COMPLAINT
10 FRANKLIN UNITED, INC., an Idaho) Personal Injury -- Auto
corporation,) CLAIM NOT SUBJECT TO MANDATORY
11) ARBITRATION
12 Defendant.) Fee at ORS 21.160(1)(c)
) Prayer Amount \$875,000

13 COMES NOW Plaintiff and, for claim for relief against Defendants, and each of them, as
14 follows, complains and alleges as follows:

15 1.

16 That during all of the times herein mentioned, Franklin United, Inc. was a corporation
17 organized and existing under and by virtue of the laws of the State of Idaho and was authorized
18 to do business within the State of Oregon.

20 2.

21 That during all of the times herein mentioned, Defendant Matthew Scott Jacobs was an
22 agent or employee of Defendant Franklin United, Inc., an Idaho corporation.

23 3.

24 That during all of the times herein mentioned, Defendants were the operators of a certain
25 truck bearing license BG1197 and VIN number 1FVHGEDR6CSBT6489.

26
Page 1 - COMPLAINT

Willard E. Merkel
ATTORNEY AT LAW
UMPQUA BANK PLAZA
ONE SW COLUMBIA ST., SUITE 520
PORTLAND, OREGON 97258
TELEPHONE (503) 222-0056
FAX: (503) 222-4461

4.

That during all of the times herein mentioned, Plaintiff was the operator of a 2011 Nissan automobile.

5

5 That during all of the times herein mentioned, Interstate Highway 5 southbound was a
6 public roadway in Portland, Multnomah County, Oregon at or near its Moda Center onramp.

6

That on or about August 1, 2018, Defendants were operating their aforesaid truck southbound on Interstate Highway 5 on the ramp from Interstate Highway 5 southbound to I-84 eastbound, and Plaintiff, driving her 2011 Nissan automobile, was following said truck in traffic when Defendants' truck dropped its driveline onto the pavement causing an unavoidable accident during which Plaintiff's automobile collided with the driveline, threw her about and injured her in the manner hereinafter more fully described.

7

That at said time and place, Defendants were negligent in one or more of the following particulars, to-wit:

8

That as the result of the negligence of Defendants as aforesaid, Defendants caused its
truck to drop its driveline on the pavement where it was struck by Plaintiff's following

automobile caused her to sustain injuries, including bruises and contusions, injuries to the
1 cervical, thoracic and lumbar spine, with myofascitis, muscle spasm, post-traumatic headaches,
2 and herniated lumbar discs requiring surgery, and all of the aforesaid injuries have caused
3 Plaintiff to sustain pain and suffering, and the injuries are permanent and Plaintiff will sustain
4 pain and suffering in the future all to her noneconomic damage in a sum to be determined by the
5 jury not to exceed \$500,000.

6
7 9.
8

9 That as the result of the negligence of Defendants as aforesaid, Plaintiff was required to
10 incur reasonable and necessary accident-related medical expenses all to her economic damage in
11 a sum to be determined prior to trial and currently estimated at \$125,000.
12
13 10.

14 That as the result of the negligence of Defendant as aforesaid, Plaintiff sustained a
15 permanent loss of wage earning capacity all to her further economic damage in a sum to be
16 determined by the jury not to exceed the estimated sum of \$250,000.

17 WHEREFORE, Plaintiff prays for Judgment against Defendants, and each of them, for a
18 sum of noneconomic damages in an amount to be determined by the jury not to exceed \$500,000,
19 together with her economic damages for accident-related medical expenses in an amount to be
20 determined prior to trial and currently estimated at \$125,000, together with her economic

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /

Page 3 - COMPLAINT

Willard E. Merkel
ATTORNEY AT LAW
UMPOUQA BANK PLAZA
ONE SW COLUMBIA ST., SUITE 520
PORTLAND, OREGON 97258
TELEPHONE (503) 222-0056
FAX: (503) 222-4461

damages for loss of earning capacity in the estimated sum of \$250,000, together with her costs
1 and disbursements incurred herein.

2 DATED this 9TH day of JANUARY, 2019.
3

4 MERKEL & ASSOCIATES
5

6 By: WE
7 Willard E. Merkel, OSB No. 790852
E-mail: wmerkel@merkelassoc.com
8 Of Attorneys for Plaintiff

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Page 4 - COMPLAINT

Willard E. Merkel
ATTORNEY AT LAW
UMPCUA BANK PLAZA
ONE SW COLUMBIA ST., SUITE 520
PORTLAND, OREGON 97258
TELEPHONE (503) 222-0056
FAX: (503) 222-4461